



SANDRA SHEWRY  
Director

State of California—Health and Human Services Agency  
**Department of Health Services**



ARNOLD SCHWARZENEGGER  
Governor

May 28, 2005

## **Elimination of Taxpayer-Provided Erectile Dysfunction Drugs for Sex Offenders**

Governor Arnold Schwarzenegger issued a directive to all state agencies in California to immediately stop providing known sex offenders with taxpayer-funded medications such as Viagra, Levitra or Cialis, to treat erectile dysfunction (ED). The Governor also instructed all state agencies to cooperate in a ban on distribution of any publicly funded ED drugs to convicted sex offenders until the necessary administrative and legislative steps can be taken to target the sex offenders who pose a threat to innocent citizens with these drugs. The Governor's actions are consistent with this week's federal policy decision authorizing States to prevent inappropriate Medicaid payment for such drugs in the case of known sex offenders.

Consistent with this ban, the Department of Health Services is alerting all Medi-Cal providers that **EFFECTIVE IMMEDIATELY** the State will not reimburse for ED treatment for known convicted sex offenders. The provision of these drugs to known convicted sex offenders places the public at harm and is an abuse of the Medi-Cal program. Therefore, physicians and pharmacists who provide care to Medi-Cal beneficiaries are alerted that prescribing and providing ED drugs under the Medi-Cal program to known convicted sex offenders is not appropriate and that submission of a *Treatment Authorization Request* or billing the Medi-Cal program for these drugs for known convicted sex offenders is an abuse of the Medi-Cal program. Providers should not submit requests for prior authorization or claims for reimbursement to Medi-Cal for ED drugs provided to people who the provider knows to be convicted sex offenders.

Providers should be aware that there are restrictions on the use of information on the list of convicted sex offenders published by the California Attorney General (known as the Megan's Law List). There are also penalties for inappropriate use of this information.

The Department of Health Services will provide additional information to providers as additional policy or guidance becomes available.